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U. S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 55]

PART 1405—FRUITS AND VEGETABLES

CALIFORNIA PLUMS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of plums, produced in the State of California, for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.7 *Restrictions relative to the shipment of plums*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "plums" means any and all strains of any and all varieties of plums grown in the state of California.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "ship" means to convey in, or handle for shipment in, or cause to be conveyed or handled for shipment in, or in any other way to put plums in the channels of trade by conveying, or causing plums to be conveyed, by railroad, truck, boat, or any other means whatsoever (except as a common carrier of plums owned by another person), in the current of interstate or foreign commerce, or so as directly to burden obstruct, or affect such commerce.

(4) The term "U. S. Standards for Plums and Prunes" means the U. S. Standards for Plums and Prunes (Fresh) issued by the United States Department of Agriculture, effective June 3, 1937.

(5) The term "Director" means the Director of Food Distribution, War Food Administration, of any employee of the United States Department of Agriculture designated by such director.

(b) *Restrictions.* (1) No person may, after the effective date of this order, ship any container or package containing plums in fresh form which do not meet the requirements of U. S. No. 2 Grade, as specified in the U. S. Standards for Plums and Prunes: *Provided,* That not more than a total of 10 percent of the plums in any package or container may fail to meet the requirements of the U. S. No. 2 Grade, as specified in the U. S. Standards for Plums and Prunes, but not more than one half of this amount of five percent of the plums in any package or container may be seriously damaged by worms, sunscald, or heat, and of said five percent not more than one percent of the plums in any package or container may show decay.

(2) Each person shall, prior to making each shipment of plums, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State inspection service; and each such shipper shall submit promptly or cause to be submitted promptly to the Branch Office, War Food Administration, 331 Federal Building, P. O. Box 230, Sacramento, California, the Federal-State shipping point inspection certificate, with respect to each shipment of plums by such person, stating (i) the grade of the plums, contained in such lot or shipment, or (ii) that the plums, in such lot or shipment, meet the requirements set forth in this order. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of plums of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using plums, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director.

(h) *Communications.* All reports, except pursuant to (b) (2) hereof, required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-55.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., June 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 7th day of June 1943.

JESSE W. TAPP,
Acting War Food Administrator.

Press Release Immediate:
Tuesday, June 8, 1943.

Minimum grade requirements for shipments of California plums were announced today by the War Food Administration.

The requirements, included in Food Distribution Order No. 55 which is effective June 9, stipulate that these plums must be mature, but not soft, overripe or shriveled; and must be free from decay or other serious damage. A tolerance of 10 percent is allowed. However, not more than 5 percent of this volume may be seriously damaged by worms, sunscald or heat—and not more than 1 percent may show decay. Except for the tolerance provisions, these are requirements of the No. 2 grade as set out in the U. S. standards for fresh plums and prunes.

Federal-State inspection of all plums shipped is mandatory, and copies of the inspection certificates must be submitted to Harry M. Cleaver, Sacramento, Calif., field representative for the Food Distribution Administration. Mr. Cleaver's address is 331 Federal Building (P. O. Box 230).

Shipment of California plums has been regulated for several years by a Federal Marketing Agreement. This agreement and order program will remain in effect but regulations governing the shipment of plums will not be issued under it this season.

It is estimated that the order will bring about the elimination of considerable inedible fruit, with a consequent saving of critical packing materials and supplies. Too, enforcement of the maturity regulations will delay harvest for several days, resulting in larger fruit and an estimated 3 percent increase in production. Experiments have shown that plums increase in size about 1 percent a day during the last 14 days before maturity.

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AUG 23 1943
U. S. DEPARTMENT OF AGRICULTURE

FDO 55
AMDT. 1
JULY 19, 1943

WAR FOOD ADMINISTRATION

[FDO 55, Amdt. 1]

PART 1405—FRUITS AND VEGETABLES

CALIFORNIA PLUMS

Food Distribution Order No. 55, § 1405.7, issued by the War Food Administrator on June 7, 1943 (8 F.R. 7626) is amended as follows:

1. By deleting from (a) (3) thereof the words "in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce" and inserting in lieu thereof the words "from a point within the State of California to a point outside said State."

2. By inserting in (b) (2), immediately following the words "Branch Office, War Food Administration, 331 Federal Building, P. O. Box 230, Sacramento, California," the words "or to the program manager at such place as he shall designate and of which he shall give public notice."

3. By relettering paragraphs (c), (d), (e), (f), (g), (h), and (i) of said section as paragraphs (d), (e), (f), (g), (h), (i), and (j), respectively.

4. By inserting as paragraph (c) of said section the following:

(c) *Administration.* (1) The Director shall designate a person to act as "program manager" under this order, and shall fix the amount of his salary. Insofar as he performs functions for the United States, the program manager will act under his appointment as collaborator without compensation from the United States, which appointment will be otherwise provided. The program manager shall be subject to removal by the Director at any time, and all his acts shall be subject to the continuing right of the Director to disapprove of the same at any time. Upon such disapproval, his acts shall be deemed null and void except insofar as any other person has acted in reliance thereon or in compliance therewith prior to such disapproval. The program manager is authorized and directed to:

(i) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the growing shipping, and marketing conditions affecting plums, and furnish to the Director such available information as may be requested.

(ii) Keep books and records which will clearly reflect all of his acts and transactions, which books and records shall be subject at any time to examination by the Director.

(iii) Collect the assessments as provided in this order from those persons required by the order to pay such assessments.

(iv) Deliver to the Director promptly after his designation a bond, in an amount and with surety thereon satisfactory to the Director, conditioned upon the faithful performance of his duties under this order.

(v) Employ and fix the compensation of such persons as may be necessary to enable him to perform his duties hereunder.

(vi) Obtain a bond with reasonable surety thereon covering each employe of his office who handles funds under the order.

(vii) Investigate and report to the Director any violation of this order.

(viii) Submit to the Director for approval a budget of expenses hereunder of the program manager and the Advisory Committee.

(ix) Pay out of the funds collected by him as program manager the cost of his bond and of the bonds of his employees, his own compensation and that of his employees, the per diem allowance and traveling expenses of the Advisory Committee, and all other expenses necessarily incurred by him in the performance of his duties hereunder.

(x) Cause his books of account to be audited whenever requested by, and submit a copy of such audit to, the Director.

(2) The Director shall designate seven persons to act on an "Advisory Committee" and an alternate member for each of the members. Any such alternate shall act only in event that the member for whom he is alternate is unable to act. The program manager shall be an additional member ex officio and shall act as chairman of the Advisory Committee. Each member of the committee shall be subject to removal by the Director at any time. The Advisory Committee shall meet at the call of the chairman, or at the call of any four members thereof. The Committee members shall be paid their actual traveling expenses, and each member, except the Program Manager, shall be paid $5.00 for each day of attendance at a committee meeting. The Advisory Committee shall counsel with the program manager, and shall recommend to the Director such amendments to this order and such changes in the operation thereof as it deems advisable.

(3) Each person who ships plums shall pay to the program manager on demand made by the program manager from time to time the sum of one cent for each hundredweight of plums shipped by such person after May 1, 1943. Any money so collected and remaining in the possession of the program manager upon the termination of this order shall be distributed in such manner as the Director may order.

This amendment shall become effective the 21st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F. R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 19th day of July 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Tuesday, July 20, 1943

The War Food Administration has appointed a program manager and a seven-member industry advisory committee to help administer Food Distribution Order 55 which governs the interstate shipment of California plums. The order prohibits the shipment of California plums failing to meet the requirements of at least U. S. No. 2 grade.

C. N. McClanahan of Sacramento has been named program manager and will also act as chairman of the industry advisory committee. Chosen to serve with Mr. McClanahan were the following committee members, all of them growers:

C. E. Pennesbaker, Exeter; J. H. Estes, Fresno; George M. Dunow, Dowman; H. N. Hansen, Loomis; Basil T. Rogers, Newcastle; Harold Angier, Lodi; and G. Monte Gates, Vacaville.

The newly appointed group will meet when necessary to work out problems relating to the shipping and marketing of plums under Food Distribution Order 55. The program manager and the committee were established under an amendment to the order.

Besides his duties as chairman of the committee, Mr. McClanahan will receive and examine inspection certificates, compile records of shipments, assemble data with respect to the growing, shipping and marketing conditions affecting plums, and handle other details of the plum program.

(l) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(m) *Fair distribution of yarns and cloth.* It is hereby declared to be the policy of the War Production Board that yarns and cloth made of wool, part wool, mohair, noils, waste, tanners' wool waste, or reprocessed or reused wool, shall be distributed equitably and that no person shall discriminate, in the acceptance of, or filling of orders, or the making of sales or deliveries, as between customers who meet his established prices, terms and conditions of sale. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to make distribution equitably, and may issue such instructions as are necessary to obtain equitable distribution.

(n) *General exceptions.* The restrictions of this order shall not apply to any person, except with respect to paragraph (d), to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(o) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. Upon appeal, a quota or adjusted quota may be given to persons owning machinery for putting wool into process, to enable them to use such machinery and any subsequently acquired machinery to produce such yarns or cloth as may be directed in writing by the War Production Board.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) *Reports and records.* (1) Every person who puts wool into process shall file with the War Production Board a report on Form WPB-2857 (formerly Form PD-274), setting forth the information required therein. Every person having stocks of wool shall file report on WPB-295 and/or WPB-370 setting forth the information required therein. Every person making wool and part wool woven and knitted cloth and yarns, shall file with the War Production Board a report on Form WPB-1420, setting forth the information required therein. Every person who owns machinery for the putting into process of, or for the making of wool or part wool woven and knitted cloth and yarns, shall file with the War Production Board a report on Form WPB-2640, setting forth the information required therein.

(2) Every person who puts wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(r) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Reference: M-73.

Issued this 25th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.